

**MINE HEALTH AND SAFETY
AMENDMENT BILL, 2008**

KEY OBJECTIVES OF THE ACT

The department introduced the Bill in parliament as a Section 75 Bill. The Bill seeks to amend the Mine Health and Safety Act, 1996, so as to-

1. Review and reinforce the enforcement provisions;
2. Simplify the administrative system for issuing of fines;
3. Harmonise the administrative processes in terms of the MHSA with the processes in terms of PAJA; and
4. Establish the Mine Inspectorate as an entity of Government

Consultations & Process thus far

- ▶ Consultations within the industry done through the Mine Health and Safety Council;
- ▶ 16 May 2008-Bill published in Government Gazette published for public comment
- ▶ Received comments were considered and where possible, incorporated.
- ▶ 2 June 2008-Bill certified and submitted into the parliamentary process

Key Amendments

- ▶ Training record to be kept;
- ▶ Employer investigations;
- ▶ Re-establishment of the Mine Health and Safety Inspectorate
- ▶ Permanent committees of the MHSC
- ▶ Administrative fines increased from R200 000-R1million.
- ▶ Offences-applicable to the Employer
- ▶ Minister's power to enter mines

Training records

Amendment

- ▶ This amendment requires the employer to keep record of training provided in terms of this Act.

Rationale

- ▶ The provision of proper and regular training to employees would indeed go a long way in improving health and safety standards at mines. the keeping of records of all training provided in terms of section 10 would certainly assist with respect to the enforcement of this section.

Employer Investigation

Amendment

- ▶ This amendments introduces time frames with respect to the initiation and completion of investigations conducted by employers in terms of section 11(5).
- ▶ Employer to commence the investigations within 10 days of the accident or occurrence under investigation;
- ▶ Report thereof to be prepared and delivered to the Inspectorate within 30 days

Rationale

- ▶ The sooner accident investigation are initiated and completed would greatly increase the chance of learning from the finding and preventing similar accident, thereby improving health and safety at mines.

Occupational Medical Practitioners

Amendment

- ▶ The effect of the amendments to section 13 means that mines can no longer engage the services of a medical practitioner. Only occupational medical practitioners may be used at mines.

Rationale

- ▶ The skill requires to deal with health issues at mines requires the services of an occupational medical practitioner.

Exit medical examinations

Amendment

- ▶ The amendment limits the time within which exit examinations must be conducted

Rationale

- ▶ The effect of this amendment would ensure that employees do not have to wait indefinitely before their exit examinations are conducted.

MHSC Committees

Amendment

- ▶ This amendment empowers the Council to establish its own committees informed by sectoral challenges.

Rationale

- ▶ Improve governance and effectiveness of the MHSC in giving advice to the Minister

MHSI

Amendment

- ▶ The amendment under this section proposes the establishment of the Mine Health and Safety Inspectorate as an entity of Government.

Rationale

- ▶ To address capacity challenges that beset the regulator this allowing the state to effectively regulate health and safety conditions at mines.

Admin fine system

Amendment

- ▶ The proposed amendments are intended to simplify the system of issuing administrative fines.

Effect/Rationale

- ▶ Provide effective provision to drive compliance with OHS Standards

Ministers' visit to mines

Amendment

- ▶ The proposed amendment empowers the Minister to enter mines at any time for health and safety reasons

Effect/Rationale

- ▶ To elevate the issue of OHS in the minds of mine operators

Offences

Amendment

- ▶ Section 91 of the Act provides for offences under the Act. The proposed amendments seek to extend the application of the provisions of section 91 to include employers.

Effect/Rationale

- ▶ To extend the application of offences to corporate bodies

Subsequent Amendments

Amendments

- ▶ Liability
- ▶ Functions of personnel
- ▶ General cleanup

Questions